

Suggested Standard Definitions of Knives

Proposal to be voted on at 2005 S.H.O.T. Show

Introduction

There are numerous laws in this country that make it a crime to possess certain types of knives. Typically, these laws provide that the crime has been committed upon the mere possession of a knife of the prohibited type and no proof of criminal intent or incipient crime is required.

It is AKTI's position that knives are inanimate objects and remain so regardless of various characteristics such as method of opening; length of blade; shape or style; the presence or absence of a hand guard, etc. There are no "good" knives; there are no "bad" knives.

Furthermore, this position is long established and well-recognized in the history of our law and culture. For instance, in the Torah it is stated: "The sword is not the cause of murder, and there is no sin upon him who made it." Ramban, Commentary on Beresheis 4:23.

With respect to the very commonly prohibited or "politically incorrect" types of knives, such as "dagger" or "stiletto," these labels had meaning several hundred years ago, but the historic distinctions have become largely meaningless due to advances in metals technology; design changes and other cultural factors.

Stiletos, for example, were developed some 600 years ago when soldiers wore armored plate or body armor composed of layers of leather and/or chain mail.

Advances in metallurgy have made possible relatively flat bladed but equally strong "kitchen knives" that can accomplish what the stiletto was designed to do. We now have millions of American kitchens displaying knives we would use to slice sections of a watermelon that would also be suitable for stabbing or thrusting.

It is AKTI's position that knives are inanimate objects and remain so regardless of method of opening; length of blade; shape or style; the presence or absence of a hand guard, etc. There are no "good" knives; there are no "bad" knives.

Vague Laws Promote Discriminatory, Unconstitutional Application

The United States Constitution provides, and has been interpreted to require that laws must not be so vague that persons of common intelligence must necessarily guess at their meaning and might differ as to their application.¹ Vague laws fail to provide persons targeted by this statute with guidance so that they may know exactly what conduct is prohibited and so that they may adjust or act accordingly. Moreover, vague laws, by failing to provide explicit standards for those who apply them, "impermissibly delegate basic policy matters to policemen, judges, and juries for resolution on an *ad hoc* and suggestive basis with the attendant dangers of arbitrary and discriminatory application."²

A vague law is especially problematic where "the uncertainty induced by the statute threatens to inhibit the exercise of constitutional protected rights."³

It has been the position of AKTI from its inception that it will be a re-

source for lawmakers and the law enforcement community in its attempts to write sensible, enforceable statutes. Vague laws are directly contrary to the AKTI goal of sensible, consistent enforcement.

The word "stiletto," for example, has so substantially deviated from its original meaning, there is too much potential that a criminal conviction for possessing a stiletto could be the result of an arbitrary application of a law.

AKTI suggests that laws which prohibit the possession or carrying of certain types of knives must be construed narrowly and with deference to the United States Constitution requirement of due process.

The following suggested definitions are intended to assist individuals, as well as law enforcement and criminal justice officials, in bringing clarification, and accordingly, advancing the goal of due process of law with respect to the interpretation and applications of laws regarding knives.

BALLISTIC KNIFE – A device by which a blade becomes separated from the handle and is propelled or becomes a missile utilizing energy stored by some mechanism within the device. A ballistic knife does not include a crossbow, spear gun, or archery bow. Further, ballistic knife does not include an implement described or labeled as a "throwing knife" unless the blade becomes separated from the handle.

Comment: The distinguishing feature of a ballistic knife is that the blade can be launched or propelled as a projectile or missile separate from the handle. AKTI suggests it would be a misnomer to

classify any such device as a knife.

BOWIE KNIFE – The term is too vague and cannot be satisfactorily defined. Accordingly, any law which provides an offense has been committed by one who possesses or carries a Bowie Knife is constitutionally defective.

Comment: There is no known definitive description or drawing of the knife that Bowie used in the 1827 Natchez Sandbar fight. Bowie’s success in that encounter caused him to achieve considerable celebrity and the term “Bowie Knife” quickly entered the lexicon. In the late 1820s and early 1830s schools of knife fighting were established in and around New Orleans to teach the technique of fighting with the Bowie Knife and/or Arkansas Toothpick.⁴ Concurrently, states in the lower Mississippi drainage acted to outlaw such knives. Difficult was the Tennessee Law at Chapter 137 of the Acts of 1837-38 that provided: “Any person who carries under his cloths, or concealed about his person, a Bowie Knife, Arkansas Toothpick, or other weapon of like form, shape, or size, is guilty of misdemeanor, . . .” Section 6630 of Shannon’s Code (Tennessee).

While these laws have been kept “on the books” by re-enactment in the intervening 170 or so years, the label “Bowie Knife” has been applied to a wide variety of styles. Given this uncertainty and lack of historical agreement as to definition, AKTI suggests that “Bowie Knife” and, for that matter, “Arkansas Toothpick” are terms simply too vague and offer too much potential for inconsistent application.

DAGGER – Definition Pending

DIRK – Definition Pending

GRAVITY KNIFE – A knife in which the blade is held in the closed position as within the handle by means of a latch or other such device, but otherwise lacking a mechanism to move or swing the blade upon release of the latch and thereby movement of the blade occurs by operation of gravitational force and/or centrifugal force. A Gravity Knife does not have a detent or other mechanism that provides resistance that must be overcome in opening the blade or that provides a bias⁵ or spring load toward the closed position.

Comments: World War II German military forces were equipped with a knife that we have generally labeled the Gravity Knife. There is perhaps a time in the early post World War II period where souvenir German Gravity Knives brought back to this country were routinely carried. These knives have long since become highly sought by collectors. Gravity Knives, as such, have not been manufactured in this country. The frequency of prohibitions against Gravity Knives in various state laws is in all probability the result of the fact that in the mid 1950s there was a widespread effort to prohibit switchblades, German World War II Gravity Knives were still being carried by some individuals.

The Gravity Knife is essentially a switchblade without a mechanism such as compressed spring or other such stored mechanical energy to move a blade. The blade of a Gravity Knife is capable of pivoting or moving freely unless it is held closed or fully open by the latch. If it is held in the right attitude while in a closed position and the latch is tripped or released, the blade will fall into the open and locked position. When a Gravity Knife is held in a horizontal or blade-up position then centrifugal force

* * * * *

We now have millions of American kitchens displaying knives we would use to slice watermelon that would also be suitable for stabbing or thrusting.

* * * * *

is necessary to open it.

SWITCHBLADE – A knife with a blade that is exposed in an automatic way by a button in the handle and moved by the release of a compressed spring or other such mechanism.

Comment: Switchblades are also sometimes referred to as “Automatics.” It is the position of AKTI that a “Switchblade” or “Automatic” is a knife in which the blade is opened or exposed solely by means of stored mechanical energy released by a switch or the triggering mechanism typically a button located on the handle of the knife.

A Switchblade Knife does not include any other knife that opens in any other fashion provided it has a detent and a bias toward closure.

Switchblade does not include a knife with a blade that can be opened by means of inertia or other such force produced by hand, wrist, arm or other bodily movement provided that the knife has a detent or other mechanism that provides resistance that must be overcome in opening the blade, or that provides a bias or spring load toward the closed blade position.

ONE-HAND OPENER - A knife that opens with one hand, utilizing thumb press applied to the blade of the knife or to a thumb stud or declivity incorporated into the blade and intended to give greater purchase in the manual movement of the blade, provided that the blade has a detent or other mechanism that provides resistance which must be overcome in opening the blade or that provides a bias⁶ or spring load toward the closed position.

Comment: Emergency situations often require being able to open a knife with one hand.

EASY-OPENER - A knife with a blade which is exposed or moved by means of a combination of mechanical energy, such as a compressed spring, or some other such pressure applied to the blade of the knife along with manual pressure applied to a thumb stud or declivity incorporated into the blade and intended to give greater purchase in the manual movement of the blade, provided that the knife has a detent or other mechanism that provides resistance that must be overcome in opening the blade or that provides a bias or spring load toward the closed blade position.

Comment: Emergency situations often require being able to open a knife with one hand. Knives in this category perform essentially the same as the One-Hand Opener.

STILETTO – Definition Pending

APPENDIX 1

In the typical folding knife, the blade swings or pivots in an arc of approximately 180° from the closed position to the open position. Without some means of providing a bias or lock to the closed position, the knife could simply swivel open unexpectedly, for instance while in the user’s pocket exposing the blade and



Knife Definition Questionnaire

creating a potential for injury.

An old-fashioned "straight razor" is an example of a folding-knife-like device with no bias or other such mechanism to hold it in other than the closed or, for that matter, the open position.

The most common design for providing a spring loaded bias to both the closed and fully open position utilizes a spring that applies pressure to the rear of the blade. The direction of the spring load is from the outer edge of the blade toward the pivot hole.

When the blade is in the fully open position downward force or load on the back spring tends to keep the blade in the fully open position.

When the blade is in the fully closed position, the pressure of the back spring similarly tends to hold the blade closed within the handle of the knife.

Opening the blade requires a force to create a camming action. For the first 45° of pivot there is a bias toward the closed position. After the blade has been pivoted toward the open position in an arc of approximately 135° there is a bias toward the fully open position. This bias, once at approximately 135°, is often capable of moving the blade to the fully open position. This mechanical fact, however, does not cause the knife to otherwise be classified as a Switchblade.

Typically there is a small depression or "detent" on the blade near the pivot hold. When the blade is in the fully closed position this detent is engaged by a ball to which is applied a spring load. Opening the blade requires sufficient force to overcome the spring load and by camming action force the ball against the load out of the detent. As the blade swings or pivots in the arc toward the fully open position the spring load ball continues to exert pressure and accordingly increase friction with the movement of the blade.

¹Smith v. Gogan, 415 US 5666 (1974).

²Garyned v. City of Rockford, 408 US 104 (1972).

³Colautti v. Franklin, 439 US 379 (1979).

⁴The Complete Book of Knife Fighting by William L. Cassidy, Paladin Press, 1975.

⁵See Appendix 1 for description and explanation of the terms detent and bias and other terminology applicable to folding knives.

⁶See Appendix 1 for description and explanation of the terms detent and bias and other terminology applicable to folding knives.

Please complete the following questionnaire, and either make a photocopy or remove this portion and mail to:

David Kowalski, AKTI Communications Coordinator
PO Box 432 Iola, WI 54945-0432

Please return by January 7, 2005

These definitions and proposed modifications will be discussed at the AKTI Executive Committee meeting at the 2005 SHOT Show.

1) Do you agree with AKTI's proposed official position that ... there are no "good" knives; there are no "bad" knives? YES NO

2) What categories of knives do you believe need explicit definitions that can be developed by AKTI and presented to lawmakers and the law enforcement community?

	YES	NO
Ballistic	<input type="checkbox"/>	<input type="checkbox"/>
Bowie Knife	<input type="checkbox"/>	<input type="checkbox"/>
Dagger	<input type="checkbox"/>	<input type="checkbox"/>
Dirk	<input type="checkbox"/>	<input type="checkbox"/>
Easy-Opening	<input type="checkbox"/>	<input type="checkbox"/>
Multi-Tool	<input type="checkbox"/>	<input type="checkbox"/>
One-Hand Opening	<input type="checkbox"/>	<input type="checkbox"/>
Pocketknife	<input type="checkbox"/>	<input type="checkbox"/>
Stiletto	<input type="checkbox"/>	<input type="checkbox"/>
Switchblade	<input type="checkbox"/>	<input type="checkbox"/>

3) Do you believe repeal of the Federal Switchblade Act is possible in the current U.S. political climate? YES NO

4) How much would you contribute to any proposed AKTI lobbying effort to repeal the Federal Switchblade Act?

a) 0	<input type="checkbox"/>	<input type="checkbox"/>
b) \$100	<input type="checkbox"/>	<input type="checkbox"/>
c) \$500	<input type="checkbox"/>	<input type="checkbox"/>
d) \$1,000	<input type="checkbox"/>	<input type="checkbox"/>
e) \$5,000	<input type="checkbox"/>	<input type="checkbox"/>
f) \$10,000	<input type="checkbox"/>	<input type="checkbox"/>
g) \$25,000	<input type="checkbox"/>	<input type="checkbox"/>
h) \$50,000	<input type="checkbox"/>	<input type="checkbox"/>
i) \$100,000	<input type="checkbox"/>	<input type="checkbox"/>

5) Please comment on any of the proposed definitions (use extra sheets of paper if necessary).

Name _____
Company Name _____
Email _____



22 Vista View Dr
Cody, WY 82414-9606

Phone/Fax (307) 587-8296

E-Mail: akti@akti.org

Web site: www.akti.org

Forum: go to www.akti.org and click on AKTI Forum or go to www.bladeforum.com or knifeforum.com

**Serving the
Knife Industry
and Individual Knife Owners
Since January 1998**

Keeping Knives In American Lives



Knife Definition Questionnaire

Please complete the questionnaire inside, and either make a photocopy or remove the original survey and mail to:

David Kowalski, AKTI Communications Coordinator
PO Box 432 Iola, WI 54945-0432

Please return by January 7, 2005